THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.2044 OF 2000

Date: 12.12.2007

Between:

Pothala Ankaiah and others

. . .Petitioners

AND

The Special Deputy Collector (Land Acquisition),
Somasila Project, Unit 4, Rajampet.

. . .Respondent

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.2044 OF 2000

ORDER:

This writ petition is filed for a writ of mandamus to declare the action of the respondent in not re-determining the compensation under Section 28-A of the Land Acquisition Act, 1894 (for short 'the Act') as illegal and arbitrary and further direct the respondent to determine the compensation in respect of the lands, trees etc., of the petitioners in Reach No.3 of Kothuru Village on par with the compensation awarded in respect of the lands covered by L.A.O.P.No.85 of 1984 on the file of Subordinate Judge, Rajampet.

It is admitted by the learned counsel for the petitioners and the learned Government Pleader for Land Acquisition that the issues raised in this writ petition are identical to the issues raised in Writ Petition No.2393 of 2000, which was disposed of by this Court on 28.11.2007.

It is, however, brought to my notice by the learned Government Pleader for Land Acquisition that in the instant case, memo, dated 28.09.1994 was issued by Special Deputy Collector (Land Acquisition), Rajampet whereby the applications (comprising 98 in one bundle and 121 in another bundle) were not considered, rejected and returned.

I have carefully perused the said memo. Though the said memo was purported to have been addressed to Sri G.Ramalinga Reddy, Advocate, Kadapa, there is no evidence to show that the same was served on him. In the counter-affidavit, the respondent has not

indicated the mode of service. In the absence of any such plea, let alone proof of service of the memo, I am not inclined to accept the contention that memo, dated 28.09.1994 was served either on the petitioners or on their Advocate. The improbability of the claim of the respondent that the said memo was served is strengthened by the fact that as late as 20.08.1999, separate notices were issued to the petitioners by Special Deputy Collector (Land Acquisition), Rajampet requiring them to appear in person or by an authorized agent in connection with their claim for enhancement of compensation in pursuance of the award of civil Court passed in L.A.O.P.No.85 of 1984.

Since in all other aspects, this writ petition is identical to Writ Petition No.2393 of 2000, the same is disposed of in terms of order, dated 28.11.2007 passed in the said writ petition with the direction that the reasons and directions contained therein shall be read as part of this order.

C.V.NAGARJUNA REDDY, J

12th DECEMBER, 2007

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